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Letter dated 8 November 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my predecessor's letter of 7 July 2004 (S/2004/554). The Counter-Terrorism Committee has received the attached fourth report from Iceland submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Andrey I. **Denisov**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 5 November 2004 from the Permanent Representative of Iceland to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

In response to your letter dated 30 June 2004, I have the honour to enclose herewith further information from the Government of Iceland concerning implementation of Security Council resolution 1373 (2001) (see enclosure).

(*Signed*) Hjálmar W. **Hannesson**
Ambassador
Permanent Representative

Enclosure

IMPLEMENTATION MEASURES

Question 1.1

Effective implementation of sub-paragraph 1 (d) of the Resolution requires States to, inter alia, have laws and other practical measures in place to ensure that funds and other economic resources collected for religious, charitable or cultural purposes are not diverted to purposes other than their stated purposes, in particular the financing of terrorism. Iceland indicated in its third report (at page 3) that the Act on Public Collection No. 5/1997 covers the public collection of funds by institutions and societies. Iceland, however, also states that it will look further into the practical aspects of these measures. The CTC would be grateful to be kept updated of developments in this regard.

No amendments are envisaged to the Act on Public Collections No. 5/1977 in the coming future. Iceland apologizes for an inaccuracy in its previous reports concerning this Act.

Question 1.2

In relation to money laundering and the financing of terrorism, the CTC would be grateful to receive an outline of any special strategy that Iceland may have developed with a view to enabling its investigative agencies effectively to prevent resources from being transferred to terrorists (e.g. the under-invoicing of exports and the over-invoicing of imports, manipulation of high value goods like gold, diamonds, etc.)

Under the Financial Activities Supervision Act, No. 87/1998, the Financial Supervisory Authority (FME) has general powers to supervise compliance with laws, regulations, rules or by-laws that apply to these activities and to ensure that these activities proceed in other respects in accordance with healthy and normal commercial practice.

The FME shall inspect the operations of parties subject to supervision as often as is deemed necessary. They are obliged to grant the FME access to all their accounts, minutes, documents and other material in their possession regarding their activities that the FME considers necessary. In pursuance of its activities, the FME may also perform on-site checks or request information in such a manner and as often as it deems necessary. Furthermore the FME may appoint a specialist to inspect certain aspects of the operations or management of a party subject to supervision, or to undertake specific supervision of such a party.

The FME is under certain conditions authorised to perform special investigations at the operating site and may confiscate any material in accordance with provisions of the Code of Criminal Procedure.

As stated by Iceland, in its second report (UN Doc. S/2002/1020, p. 5), under the provisions of the Money Laundering Measures Act, No. 80/1993, natural and legal persons authorized to provide financial services to the public are obliged to inform the National Commissioner of Police of all suspicious transactions. The Economic Crime Unit of the National Commissioner of the Police

investigates all such transactions and takes appropriate action when criminal activity is suspected. It should be added that legal persons authorised to provide services to the public, whether in Iceland or abroad are required to give particular attention to those states or regions that do not comply with international directives and rules on measures against money laundering. Under Article 11 of the Act No. 80/1993, the FME is required to issue announcements and guidelines where there is a need for special caution in dealing with states or regions.

Further measures are stipulated in Regulation No. 272/1994 on the role of financial institutions in measures against money laundering, and Regulation No. 695 on the role of several professional and legal entities in measures against money laundering. The Money Laundering Measures Act, No. 80/1993, has been amended as a result of Iceland's participation in the *Financial Action Task Force on Money Laundering, FATF*. Furthermore, recommendations from the EU (Directives 91/308/EEC and 2001/97/EEC) have been incorporated in the Act.

Article 16 (a) of the Financial Activities Supervision Act, No. 87/1998, states:

> *"In accordance with international obligations or agreements to which Iceland is a party, the Financial Supervisory Authority shall publish details of individuals and legal persons in cases where parties subject to supervision are required to make special checks of whether they have entered into dealings with them; such parties shall be obliged to prevent all types of movements of capital, such as the making over of sums of money, credit, transfers, registration of assets or other transactions, so preventing the persons named in the announcements by the Financial Supervisory Authority from receiving payments or being able to use the money in other ways.*
>
> *The Financial Supervisory Authority shall, by informing the National Commissioner of Police, use its influence to have the contents of bank accounts belonging to individuals or legal persons seized if, in the course of inspections, it is found that persons subject to supervision have violated the first paragraph and seizure has not taken place."*

The Code of Criminal Procedure, No. 19/1991, contains detailed provisions on seizures and searches. Under Article 78, any objects that may be assumed to be of evidential value in criminal proceedings, objects that have been obtained by crime and objects that may be subject to confiscation, shall be seized. No court warrant is needed for seizing property; the police are able to judge whether the preconditions for seizing property are met in each individual case. Under Article 89, a search may be made in an accused person's house, storerooms, cupboards, ship or other vehicle in order to be able to arrest him, investigate the evidence of a violation or recover objects or evidence that is to be seized. Unless the person concerned gives his consent, a search under Article 89 is to be carried out in accordance with a warrant issued by a judge (cf. Article 90).

The non-disclosure obligation of banks and financial institutions may not obstruct a police investigation. Article 35 of the Central Bank Act, No. 36/2001, provides for the non-disclosure obligation to apply to the bank and its employees "unless a judge rules that information is to be given before a court or to the police, or unless the provision of such information is required by law." A similar provision is found in Article 40 of the Stock Exchanges and Organised Offer Markets Act, No.

24/199[illegible] (see also Article 58 of the Finance Companies Act, No. 161/2002 and the first paragraph of Article 15 of the Financial Activities Supervision Act, No. 87/1998).

Question 1.3

Regarding sub-paragraph 1(c) of the Resolution which, inter alia, requires States to freeze funds, the CTC would welcome receiving an outline of the applicable legal or administrative provisions and procedures that enable Icelandic authorities to freeze the funds, financial assets or economic resources in Iceland of persons who commit, or attempt to commit terrorist acts outside Iceland, pursuant to a request submitted by another State.

Iceland is a state party to several conventions on mutual criminal assistance, *inter alia*, the European Convention on the International Validity of Criminal Judgements (ratified 6 August 1993), European Convention on Mutual Assistance in Criminal Matters (ratified 20 June 1984), and the Convention established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union. Iceland is also a member of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ratified 21 October 1997) and the International Convention for the Suppression of the Financing of Terrorism adopted by the General Assembly of the United Nations on 9 December 1999 (ratified 15 April 2002). The Icelandic legislation reflects responsibilities taken under these conventions.

Under Article 22 of the Act on Extradition of Criminals and Other Assistance in Criminal Proceedings No. 13/1984, in order to gather evidence for use in criminal proceedings in another state, it may be decided, in response to a request, that the provisions of the Code of Criminal Procedure, No. 19/1991, shall be applied in the same way as in comparable proceedings in Iceland. Requests shall be sent to the Ministry of Justice unless other arrangements are made in an agreement with another state. The Code of Criminal Procedure, No. 19/1991 contains detailed provisions on seizures and searches. Under Article 78, any objects that may be assumed to be of evidential value in criminal proceedings, objects that have been obtained by crime, and objects that may be subject to confiscation, shall be seized. No court warrant is needed for seizing propersty; the police themselves are able to judge whether the preconditions for seizing property are met in each individual case. Under Article 89, a search may be made in an accused person's house, storerooms, cupboards, ship or other vehicle in order to be able to arrest him, investigate the evidence of a violation or recover objects or evidence that is to be seized. Unless the person concerned gives his consent, a search under Article 89 is to be carried out in accordance with a warrant issued by a judge (*cf.* Article 90).

Under Article 2 of the International Co-operation on the Enforcement of Criminal Judgements Act, No. 56/1993, judgements by foreign courts may be enforced in Iceland in cases involving the confiscation of money intended to be used to finance terrorist activities, and the necessary preparatory measures for this may be taken, including the seizure or freezing of money, as is provided for in further detail in the Code of Criminal Procedure, No. 19/1991.

Under Article 264 of the Icelandic Criminal Code, anyone who accepts or acquires for himself or others gain from an offence under the Code shall be subject to fines or imprisonment for up

to 2 years. The same penalty shall be applicable to a person who stores or moves such gain, assists in the delivery thereof or in another comparable manner contributes to securing for others the gain of an offence. Under Article 4 of the Criminal Code, punishment is to be imposed under Icelandic criminal legislation for violations of Article 264 that are committed within Icelandic national territory, even though the original offence from which the gain is derived was committed abroad, and irrespective of where this occurred or who was responsible for it.

Question 1.4

The effective implementation of subparagraphs 2(e) and (f) of the Resolution requires States, respectively, to bring perpetrators to justice and to have adequate legislation in place to afford one another to greatest measures of assistance in connection with criminal investigations or criminal proceedings relating to the financing of terrorism. In this context, the CTC would appreciate knowing if there is a specific law in force in Iceland that covers the modalities concerning mutual assistance in criminal matters such as: extradition; transfer of criminal proceedings; transfer of sentenced persons; letter rogatory; and the recognition and validity of foreign criminal judgements. If the answer is in the positive, please outline the relevant provisions in force.

Iceland is a party to a large number of agreements covering mutual assistance in criminal matters, including:

(1) *European Convention on the International Validity of Criminal Judgments (1970).* Ratified 6 August 1993.
(2) *European Convention on Extradition (1957)*, and its protocols of 1975 and of 1978. All ratified 20 June 1984.
(3) *European Convention on Mutual Assistance in Criminal Matters (1959)*, and protocol of 1978. Ratified 20 June 1984.
(4) *Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990).* Ratified 21 October 1997.
(5) *Convention on the Transfer of Sentenced Persons (1983).* Ratified 6 August 1993.
(6) Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis*, 18 May 1999.
(7) *Convention on simplified extradition procedure between the Member States of the European Union (1995)*, cf. Council Decision 2003/169/JHA of 27 February 2003 determining the convention that constitute a development of the provisions of the Schengen *acquis*.
(8) *Convention relating to extradition between the Member States of the European Union (1996)*, cf. Council Decision 2003/169/JHA of 27 February 2003 determining which provisions of the convention constitute a development of the provisions of the Schengen *acquis*.
(9) *Convention established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of*

the European Union (2000), cf. Council Act of 29 May 2000 determining which provisions of the convention constitute a development of the provisions of the Schengen acquis, cf. also the Agreement between Iceland and Norway and the European Union of 19 December 2003 on the application of specific provisions of the Convention and its further protocols.

The Act on Extradition of Criminals and Other Assistance in Criminal Proceedings, No. 13/1984, stipulates modalities concerning mutual assistance in criminal matters and implements above conventions. Under Article 1 of the Act, a person who is suspected of, indicted for, or has been sentenced for, a criminal offence in a foreign state may be extradited under the Act. Icelandic citizens may not be extradited. As stated above, under Article 22 of the Act, in order to gather evidence for use in criminal proceedings in another state, it may be decided, in response to a request, that the provisions of the Code of Criminal Procedure, No. 19/1991, shall be applied in the same way as in comparable proceedings in Iceland. The Code of Criminal Procedure contains detailed provisions on witness testimony, searches, seizures, embargo and the tapping of telephones. Under Article 23 of the Act on Extradition of Criminals and Other Assistance in Criminal Proceedings, in connection with the conduct of a criminal case in another state, it may be decided, in response to a request, that a person who in accordance with a sentence is imprisoned or deprived of his liberty for a criminal offence shall be sent to another state for questioning as a witness or for joint questioning.

Under Article 2 of the International Co-operation on the Enforcement of Criminal Judgements Act, No. 56/1993, judgements by foreign courts may be enforced in Iceland in cases involving the confiscation of money intended to be used to finance terrorist activities, and the necessary preparatory measures for this may be taken, including the seizure or freezing of money, as is provided for in further detail in the Code of Criminal Procedure, No. 19/1991.

The Act No. 49/1994 applies to legal assistance to the International Criminal Tribunal for the Former Jugoslavia; the Act No. 43/2001 applies to the implementation of the Rome Statute on the International Criminal Court.

The Act No. 7/1962 applies to the extradition of criminals to Denmark, Finland, Norway and Sweden, and the Act No. 69/1963 to the enforcement of criminal judgements delivered in Denmark, Finland, Norway and Sweden. These statutes contain broader rules concerning extradition and other assistance in criminal cases than those contained in the Act on Extradition of Criminals and Other Assistance in Criminal Proceedings, No. 13/1984.

Iceland has concluded several bilateral extradition treaties, including with the United States of America, Belgium, France, the Netherlands, Italy Luxembourg, Spain, Germany, and the United Kingdom of Great Britain and Northern Ireland.

EFFECTIVENESS IN THE PROTECTION OF THE FINANCIAL SYSTEM

Question 1.5

Regarding the effective implementation of sub-paragraph 1(a), (b) and (c) of the Resolution, the CTC would appreciate knowing whether Iceland provides its administrative, investigative, prosecutorial and judicial authorities with specific training aimed at enforcing its laws in relation to ... Please also outline the relevant programmes or courses in these areas. Furthermore, the CTC would appreciate receiving information regarding any mechanisms or programmes that Iceland has put in place to train its various economic sectors in the detection of unusual and suspicious financial transactions related to terrorist activities and in the prevention of the movement of illicit money.

Under Article 13 of the Regulations No. 272/1994 on the role of financial institutions in measures against money laundering, which were adopted in accordance with Article 13 of the Money Laundering Measures Act, No. 80/1993, financial institutions are to provide their employees with special instructions on their responsibilities under the regulations and the Money Laundering Measures Act, and also special training to enable them to identify transactions that could possibly be connected with money laundering. This duty applies to following financial institutions: (1) commercial banks, saving banks and their subsidiaries; (2) institutions governed by the Credit Institutions Act; (3) life insurance companies and individual retirement trusts; (4) securities companies and undertakings for collective investments in transferable securities; (5) domestic branches of foreign financial institutions carrying out activities in accordance with (1)-(5).

Employees of the National Police Commissioner's office have undergone training in the investigation of money laundering abroad, and have passed on the knowledge they have acquired to other colleagues. The National Commissioner's office also holds courses for the employees of Icelandic financial institutions, both at the initiative of the office and at the request of the institutions. The courses are of two types: for those who deal directly with the institutions' clients, and for managers and directors. Special courses have also been held for securities brokers. These courses have proved highly effective, and close contact has been established with the employees of the relevant institutions, which is an important element in maintaining effective monitoring of possible attempts at money laundering.

A special Consultation Committee on measures against money laundering has been established, composed of representatives from the Ministry of Commerce, Ministry of Justice, the FME and the National Commissioner of Police. The role of the committee is to monitor the implementation of measures against money laundering, co-ordinate working procedures and to provide authorities with advice on measures against money laundering and the implementation of such measures.

It should be mentioned that the Director of Public Prosecution has engaged in discussions on measures against terrorism within the framework of co-operation between the public prosecutors of the Nordic countries and at meetings of the European Judicial Network, so keeping fully informed of measures taken in countries with which Iceland collaborates closely.

EFFECTIVENESS OF CUSTOMS, IMMIGRATION AND BORDER CONTROL

Question 1.6

Effective implementation of paragraphs 1 and 2 of the Resolution requires effective customs and border controls to prevent and suppress the financing of terrorist activities. Does Iceland impose controls on the cross-border movement of cash, negotiable instruments, precious stones and metals (for example, by imposing an obligation to make a declaration or to obtain prior authorization before any such movements are made)? Please also provide information concerning relevant monetary or financial threshold.

A draft of a new Customs Act is to be presented to the Althingi in the next few months. It is planned that it will contain a provision stating that persons entering the country will be obliged to declare to the customs, without being asked to do so, cash or negotiable documents (e.g. traveller's cheques) of a value of more than ISK 1,500,000. If a perron has in his possession a sum greater than ISK 1,500,000 on arrival in the country or on leaving the country, the customs inspectors may seize it. Seizure is authorised if the customs inspectors suspect that the money is to be used in committing a violation of the Criminal Code.

This aforementioned provision is an innovation, and is based on Danish legislation. It is aimed at preventing terrorist activities.

Question 1.7

Regarding the effective control of the issuance of identity papers and travel documents referred to in subparagraph 2(g) of the Resolution, does Iceland issue national identity documents? If so, who it entitled to receive the document? Is the system employed for issuing identity documents computerized? In this regard, could Iceland also provide the CTC with information as to the type of data stored, and the agencies with which such information is shared?

Under the National Identity Documents Act, No. 25/1965, Statistics Iceland issues identity documents on behalf of the National Registry to all persons registered in Iceland, but not before they reach the age of 14. Foreign nationals are issued with identity documents if they have been domiciled in Iceland for two years. Holders of identity documents are not recorded in a computer system.

EFFECTIVENESS OF COUNTER-TERRORISM MACHINERY

Question 1.8

Effective implementation of sub-paragraph 2(e) of the Resolution requires States to, inter alia, have in place effective police, intelligence or other structures and adequate legal provisions to detect, monitor and apprehend those involved in terrorist activities, as well as those supporting terrorist activities, with a view to ensuring that these persons are brought to justice. The CTC would be grateful for information concerning the use of special investigative techniques in the fight against terrorism (e.g. undercover operations).

Attention is given to international alerts concerning terrorists, and measures are taken when this is considered necessary. No special investigative techniques have been used up to now, but if the occasion arose, this would be done.

Question 1.9

Within the context of the effective implementation of sub-paragraph 2(e) of the Resolution, States are required, inter alia, to ensure that those who participate in terrorism are brought to justice. In this regard, the CTC would appreciate receiving information on the number of persons prosecuted and convicted for: terrorist activities; recruitment into terrorist organizations; providing support to terrorist organizations.

No persons have been prosecuted or convicted in Iceland for terrorist activities, recruitment into terrorist organizations, or providing support to terrorist organizations.

Question 1.10

The CTC has taken note that Iceland is party to all the 12 international Conventions and Protocols relating to terrorism, pursuant to the provisions of the sub-paragraph 3(d) of the Resolution. However, sub-paragraph 3(e) of the Resolution also calls upon States to implement fully these Conventions and Protocols. In this regard, the CTC also notes that Iceland has implemented the provisions of only two of these Conventions. The CTC would be grateful to hear of steps that Iceland intends on taking in order to incorporate the provisions of the remaining ten Conventions and Protocols into its domestic law.

It may first be noted, that based on Icelandic Act No. 5/1969 regarding the Implementation of United Nations Security Council Resolutions, the Icelandic Government decided to implement United Nations Security Council Resolution No. 1373/2001 on international cooperation to combat threats to international peace and security caused by terrorist acts by a Public Announcement, No. 867/2001, on 14 November 2001.

Iceland has ratified all the twelve international conventions on terrorism, and the European Convention on the Suppression of Terrorism concluded at Strasbourg on 27 January 1977. With the ratification of each of these instruments, necessary amendments were made to the Iceland Criminal Code, both with respect to criminalization of relevant crimes and jurisdiction.

(1) Convention on Offences and Certain other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963. Accession 16 March 1970, entering into force on 14 June 1970.

(2) Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on 16 December 1970. Accession 29 June 1973, entering into force on 30 July 1973.

(3) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed in Montreal on 23 September 1971. Accession 29 June 1973, entering into force 30 July 1973.

(4) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, signed in Montreal on 24 of February 1988. Ratification 9 May 1990, entering into force 8 June 1990.

Article 120 (a) and 165 of the Icelandic Criminal Code criminalizes those activities referred to in the above Convention (*cf.* the Acts of Amendment, Nos. 41/1973 and 16/1990).

Iceland is able to exercise extra territorial jurisdiction concerning the offences listed above, since it is authorised to punish offences under the provisions listed above even though they have been committed outside Icelandic national territory, and irrespective of the identity of the persons responsible (*cf.* the fourth paragraph of Article 6 of the Act No. 19/1940).

(5) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973. Ratification 2 August 1977, entering into force 1 September 1977.

Sections XXIII (manslaughter and physical injury), XXIV (offences against personal freedom) and XXV (defamation and offences against the privacy of the individual) of the Criminal Code cover the crimes under this convention. Article 94 of the Criminal Code states that if an act subject to penalty prescribed in Section XXIII, XXIV or XXV of the Code is directed against the head of a foreign State or its diplomats in Iceland, the penalty applicable to the offence may be increased by adding to it up to one-half thereof.

Under the fifth paragraph of Article 6 of the Criminal Code, penalties shall be imposed in accordance with the Code on account of offences, even if these have been committed outside Icelandic national territory and irrespective of the identity of the offender, for conduct covered by the Convention of 14 December 1973 on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents (*cf.* the Act of Amendment No. 24/1976).

(6) International Convention against the Taking of Hostages adopted by the General Assembly of the United Nations on 17 December 1979. Ratification on 6 July 1983, entering into force 3 June 1983.

Section XXIV (offences against personal freedom) of the Criminal Code applies to the offences covered by the Convention.

Iceland is able to exercise extra territorial jurisdiction concerning the offences listed above. Under the seventh paragraph of Article 6 of the Criminal Code, penalties shall be imposed in accordance with the Code on account of the offences, even if these have been committed outside Icelandic national territory and irrespective of the identity of the offender, for conduct covered by the International Convention of 17 December 1979 against the Taking of Hostages (*cf.* the Act of Amendment, No. 69/1981).

(7) Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980. Accession 18 June 2002, entering into force 18 July 2002.

Section XVIII (offences involving public hazards) of the Criminal Code applies to the offences covered by the Convention. Furthermore, under Article 169 (a) of the Criminal Code, anyone illegally accepting, having in his/her custody, using, moving, altering, discharging or distributing nuclear substances and thereby endangering human lives, health and assets shall be subject to imprisonment for up to 6 years. Where a violation under these provisions entails a public hazard, it is punishable by up to 16 years' imprisonment.

Iceland is able to exercise extra territorial jurisdiction concerning the offences listed above. Under the fifteenth paragraph of Article 6 of Criminal Code, penalties shall be imposed in accordance with the Code on account of the offences, even if these have been committed outside Icelandic national territory and irrespective of the identity of the offender, for conduct covered by the Convention on the Physical Protection of Nuclear Reactor Substances of 3 March 1980, (*cf.* the Act of Amendment, No. 70/2002).

(8) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation of 10 March 1988. Accession 28 May 2002, entering into force 26 August 2002.

(9) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf of 10 March 1988. Accession 28 May 2002, entering into force 26 August 2002.

Articles 165 and 168 of the Criminal Code criminalize the activities described in above conventions (*cf.* the Act of Amendment, No. 70/2002).

Iceland is able to exercise extra territorial jurisdiction concerning the offences listed above. Under the seventh paragraph of Article 6 of the Criminal Code, penalties shall be imposed in accordance with the Code on account of the offences, even if these have been committed outside Icelandic national territory and irrespective of the identity of the offender, for conduct covered by the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation of 10 March 1988 (para. 13), and for conduct specified in the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf of 10 March 1988 (para. 14) (*cf.* the Act of Amendment, No. 70/2002).

(10) Convention on the Marking of Plastic Explosives for the Purpose of Detection of 1 March 1991. Accession 24 May 2002, entering into force 23 July 2002.

The conditions imposed by this convention are fulfilled by the provisions of the Weapons Act, No. 16/1998, and Firearms and Ammunition Regulation No. 787/1998, with subsequent amendments; and Regulation No. 684/1999 on Explosives.

(11) International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations of 15 December 1997. Ratification 15 April 2002.

(12) International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999. Ratification 15 April 2002.

In order to implement the above conventions, several amendments were made to the Criminal Code by the Act No. 99/2002. Acts of terrorism are defined and criminalized in Article 100(a), financing terrorism is criminalized in Article 100 (b), and supporting terrorist activities by other means is criminalized in Article 100 (c). Amendments were also made to the Act on Criminal Liability of Legal Persons in Connection with Bribery and Terrorism, No. 144/1998, by which terrorism and the support of terrorist activities were included in the offences for which legal personal may be made criminally liable.

Iceland is able to exercise extra territorial jurisdiction concerning the offences listed above. Under the seventh paragraph of Article 6 of the Criminal Code, penalties shall be imposed in accordance with the Code on account of the offences, even if these have been committed outside Icelandic national territory and irrespective of the identity of the offender, for conduct covered by the International Convention for the Suppression of Terrorist Bombings of 15 December 1997 (paragraph 16), and for conduct specified in the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999 (paragraph 17).

CONTROLS ON PREVENTING ACCESS TO WEAPONS BY TERRORISTS

Question 1.11

With regard to the effective implementation of sub-paragraph 2 (a) of the Resolution, the provisions of the International Convention on the Marking of Plastic Explosives for the Purpose of Detection, as well as the International Convention for the Suppression of Terrorist Bombings, please provide the CTC with information relating to the following questions: (1) What national laws, regulations and administrative procedures exist to exercise effective control over firearms, ammunition, and explosives in the following areas: production; export; import; transit; retransfer; (2) What national measures exist to prevent the manufacture, stockpiling, transfer and possession of unmarked or inadequately marked: small and light weapons; other firearms, their parts and components and ammunition; plastic explosives; other explosives and their precursors.

According to Icelandic law, measures to regulate and control over firearms, ammunition, and explosives, can be divided into three categories. First and foremost are measures explicitly stated in the Weapons Act, No. 16/1998. Secondly there are measures explicitly stated in the Firearms and Ammunition Regulations, No. 787/1998, with subsequent amendments; and Regulations No. 684/1999, on Explosives. Thirdly, there are administrative measures that are not explicitly stated in statutes. The law nevertheless requires that such measures have sufficient grounds. Furthermore, each individual administrative decision made according to the above-mentioned measures, is subject to procedural rules laid down in the Administrative Procedure Act, No. 37/1993.

Section II of the Weapons Act, No. 16/1998, contains detailed provisions on manufacture, import, export and dealing in weapons. Under Article 4 of the Act, no one may manufacture firearms, ammunition, explosives or fireworks on a commercial basis without a licence from the National Commissioner of Police. Before such licences are granted, the comments of the local police commissioner, the Occupational Safety and Health Administration and the director of the local fire brigade, or other body responsible for fire fighting, must be sought. Licences under the above provision may only be issued to individuals who hold firearms licences and are able to demonstrate in other ways their competence regarding manufacture. Licences may be issued to a registered company or firm providing that it nominates one or more of its staff that meet the above requirements for being involved in manufacture. Under Article 5 of the Act, no one may import into Iceland firearms, ammunition, explosives or fireworks without a licence from the National Commissioner of Police. Firearms that are not marked with a manufacturer's serial number may not be imported into Iceland or manufactured. Under Article 6, no one may export from Iceland firearms, ammunition, explosives or fireworks without a licence from the National Commissioner of Police. Under Article 7, no one may deal in firearms, ammunition, explosives or fireworks without a licence from the National Commissioner of Police. A licence under this provision may only be issued to an individual who holds a trading permit and a firearms licence or specialised knowledge of the goods involved in accordance with further rules set by the minister. Licences issued under the first paragraph of Article 7 may be issued to a registered firm or company that holds a trading licence, providing that the firm or company nominates a person who meets the requirements of the second paragraph of the Article and will supervise the day-to-day dealings in these goods, and who will be responsible for their secure storage, together with the managers of the firm or company.

Under the third paragraph of Article 5 of the Weapons Act, it is forbidden to import into Iceland, or to manufacture, firearms that do not bear a manufacturer's serial number. The National Commissioner of Police may waive this requirement in the case of firearms that have unequivocal value as collectors' items.

Question 1.12

The CTC would appreciate receiving the following information: (1) Please outline the conditions that an individual has to meet under Iceland's licensing system in order to be legally entitled to purchase a firearm; (2) How many weapons of a particular type may be licensed for each individual; Are there any exemptions or exceptions in this regard? (3) Does the licensing system allow for transfer of licences? If yes, under what conditions?; (4) How long is a licence valid? Is a specific agency or government department responsible for monitoring the validity or expiry of individual licences? If yes, what are the mechanisms utilized for such monitoring in order to prevent access to those arms by terrorist groups?

The Weapons Act, No. 16/1998, requires licensing of firearms. No one may acquire or use a firearm without being in possession of a firearms licence. Licences are issued by the commissioner of police in the area in which the person concerned is domiciled. Firearms licences must be written, and must state the name, ID number and address of the licensee. They must include a recent photograph of the licensee. They must also state precisely the type of firearm that the licensee is authorised to use. All firearms in the licensee's possession, including their types, lock types, calibre, maximum number of

cartridges and the manufacturer's serial number, must be recorded in the firearms licence. Firearms licences may not be issued for periods longer than ten years at a time, and may be issued for shorter periods if there is thought to be a reason to do so.

Under Article 13 of the Weapons Act, licences may be granted for firearms for the purpose of hunting, sport as defined in Article 17, work as defined in Article 14 and display and collection as defined in Article 15. Applicants are required to specify the purpose for which they seek licences. To qualify for a licence, applicants must meet the following conditions: (a) they must have reached the age of 20 and may not have been deprived of the right to manage their own affairs, (b) they may not have been convicted of a violation of the Criminal Code, the Alcoholic Beverages Act, the Addictive Drugs Act, the Act on the Conservation, Protection and Hunting of Wild Birds and Mammals or the Weapons Act; (c) they must have sufficient knowledge of how to handle firearms, must be mentally sound and capable in other respects of handling firearms. A police commissioner may grant a firearms licence even though the applicant has violated provisions of the statutes listed in item (b) providing that the sentence imposed did not involve more than a fine or imprisonment of up to 6 months, and providing that the violations did not involve attacks or violence, offences of the Addictive Drugs Act, repeated violations involving drunkenness or violations of the Act on the Conservation, Protection and Hunting of Wild Birds and Mammals or the Weapons Act. Applicants for firearms licences are required to attend courses in the handling and use of firearms. Under Article 19 of the Weapons Act, the owner of a firearm is not permitted to sell it, give it or hand it over in any other way as a possession unless the recipient demonstrates that he holds a licence for its possession or use issued by a commissioner of police.

Commissioners of police may issue firearms licences to those who meet the above requirements for the following firearms:

Category A:
1. Shotguns, No. 12 or smaller (excluding, however, automatic and semi-automatic models).
2. Rifles, Cal. 22 (long rifles and smaller models), including air rifles (excluding, however, automatic and semi-automatic models).

Category B:
Licences for rifles of up to Cal. 30 and semi-automatic shotguns may only be granted if there are special reasons for doing so, and subject to the condition that the applicant shall have been in possession of a firearms licence for at least one year.

Category C:
Licences for firearms that are specially intended for hunting mink or destroying vermin (e.g. pistols for shot cartridges) may only be granted after receiving the comments of a hunting control officer. Another requirement is that the applicant shall have held a second-level licence (Category B) for at least one year. Licences granted to those who engage in hunting mink shall not confer authorisation for the acquisition of firearms, but only to borrow or hire them.

Commissioners of police shall submit such applications to the National Commissioner of Police for a final decision.

Category D:

Licences granted specifically to an individual or a shooting club for pistols in connection with firearm sports as defined in Article 11. Commissioners of police shall submit such applications to the National Commissioner of Police for a final decision.

Modifications of all types to the properties or functioning of firearms are prohibited except with the permission of a commissioner of police. A special firearms register is maintained covering the whole of Iceland. Commissioners of police shall enter into the register all information on licences granted, modifications made to firearms and all firearms that are reported missing.